

REMARKS

Claims 1, 3-8, 10-13, and 15-17 remain in this application. Claims 2, 9, and 14 are now canceled. Reconsideration of the application is requested.

Independent claim 1 is rejected under 35 U.S.C. § 102(b), along with various dependent claims, as anticipated by Japanese publication 3-284443 to Nishitake. Reconsideration is requested.

Claim 1 above reflects that the side impact protective apparatus according to the invention has a covering, suspended with its upper edge on a door interior element, including upper and lower edge side regions, and that the upper edge side region is connected to the lower edge side region along a connection line extending between particularly defined, spaced fastenings and disposed adjacent a lower gas bag edge. Claim 1 above also specifies that the connection line forms a pivot axis for the upper edge side region of the covering, and that a front covering face includes a weakening defined therein adjacent the upper edge side region.

It is respectfully submitted that the limitations identified above serve to distinguish the invention as now claimed from the Nishitake energy absorption structure. The Nishitake document discloses a lateral impact protection apparatus for a motor vehicle occupant that is integrated into a motor vehicle door. A prefabricated air bag module, composed of a housing 11, a gas bag 12, a compressed gas source 13, and a casing, is inserted into a “niche-shaped” embossment of the inner door and attached to the same. The embossment, arranged adjacent to a belt line of the vehicle, forms an undesirable predetermined breaking point in the event of a crash, due to associated cross-

sectional narrowing.

The Nishitake inner doorplate 6 with the built-in air bag module is covered, in the direction of the passenger compartment, by a covering 9. As Figure 5 of the Nishitake publication shows, an upper section 9a of the covering is connected, via a separate internal hinge 16, with the covering, so that when the air bag is inflated, this section 9a pivots away inwardly like a flap. The Nishitake covering is thus not attached onto the inner doorplate, and does not have a spacing between both longitudinal ends of the air bag 12 adjacent the lower edge area of the air bag. As these features are not present in the Nishitake structure, the Nishitake structure necessarily fails to disclose a connection line that forms a pivot axis for an upper edge side region of the covering as claim 1 requires. There is, finally, no suggestion that a front covering face includes a weakening defined therein adjacent an upper edge side region as claim 1 recites in either the English language abstract or the figures of the Nishitake publication.

For reasons discussed, it is respectfully submitted that claim 1 above is not anticipated by the Nishitake publication relied on. U.S. Patent 6,682,093 to Tajima et al. concerns an impact protection unit for a motor vehicle occupant in which a prefabricated air bag module is placed in a recess arranged on an upper side of a dashboard and is enclosed at the top by a cover. This cover has a predetermined breaking point, extending centrally in the transverse direction of the motor vehicle, so that when the gas bag is inflated, two halves of the cover are swung toward different sides, and the gas bag is moved upward, in the direction of the windshield, to its functional position. Tajima et al. does not

concern a lateral impact protection unit, and fails to suggest features reflected by the limitations of claim 1 discussed above. Claim 1 above, therefore, is considered patentable. The rest of the claims in this application are dependent claims and are patentable as well.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52962US).

June 22, 2007

Respectfully submitted,

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